



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

JUN 19 2014

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Erica Grant, Operations Leader
Atlas Resin Proppants, LLC
W 10899 Cherry Road
Merrillan, Wisconsin 54754

Re: Notice of Violation
Atlas Resin Proppants, Merrillan Facility
Merrillan, Wisconsin

Dear Ms. Grant:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV) to Atlas Resin Proppants, LLC (you) under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). We find that you have violated conditions of your Synthetic Minor Non-Part 70 Operation Permit No. 627019690-F01 at your Merrillan, Wisconsin facility.

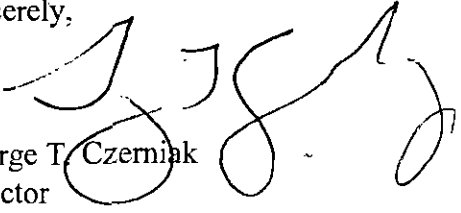
Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the NOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Natalie Topinka. You may contact her at (312) 886-3853 or topinka.natalie@epa.gov to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,



George T. Czerniak
Director
Air and Radiation Division

Enclosure

cc: Bill Baumann, WDNR
Jeff Johnson, WDNR

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

Atlas Resin Proppants, LLC
Merrillan, Wisconsin

Proceedings Pursuant to
Section 113(a)(1) of the
Clean Air Act, 42 U.S.C.
§ 7413(a)(1)

NOTICE OF VIOLATION

EPA-5-14-WI-05

NOTICE OF VIOLATION

The U.S. Environmental Protection Agency (EPA) is issuing this Notice of Violation under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1) (Act). EPA finds that Atlas Resin Proppants, LLC (Atlas) has violated conditions of its Synthetic Minor Non-Part 70 Operation Permit No. 627019690-F01 at its Merrillan, Wisconsin facility, as follows:

Statutory and Regulatory Background

1. Pursuant to Section 110 of the Act, 42 U.S.C. § 7410, each State is responsible for submitting to EPA for approval an implementation plan which specifies how the State will achieve, maintain, and enforce all primary and secondary National Ambient Air Quality Standards in the State.
2. Under Section 110(a) of the Act, each SIP must include a permit program, enforceable emission limitations, control measures, and schedules for compliance. Upon EPA's approval of a SIP, the plans become independently enforceable by the federal government, as stated under Section 113(a) of the Act, 42 U.S.C. § 7413(a).
3. "Major Stationary Source" is defined in Wisconsin Administrative Code (WAC) NR 405.02(22)(a) as any source which "emits, or has the potential to emit, 100 tons per year or more of any air contaminant subject to regulation" under the Act. As defined in WAC NR 400.02(53s), a minor source is "any stationary source which is not a major source." A synthetic minor, therefore, is a source which voluntarily takes a federally enforceable emissions limit to remain a minor source.
4. Section 113(a)(1) of the Act authorizes the Administrator to initiate an enforcement action whenever, among other things, the Administrator finds that any person has violated or is in violation of a requirement or prohibition of an applicable implementation plan or permit.

Factual Background

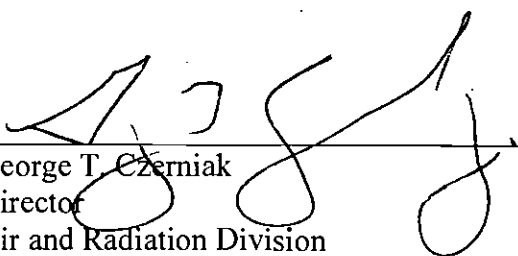
5. Atlas owns and operates a resin coated sand production facility at W 10899 Cherry Road, Merrilan, Wisconsin (the Merrilan Facility).
6. The Merrilan Facility operates under Synthetic Minor Non-Part 70 Operation Permit No. 627019690-F01 (Operating Permit) issued by the Wisconsin Department of Natural Resources (WDNR) on December 4, 2012.
7. The Merrilan Facility includes four resin-coated sand production lines, known as Towers C, D, E, and F and identified in the Operating Permit as Processes P250, P350, P450, and P550, respectively.
8. The Operating Permit requires the Merrilan Facility to limit phenol emissions to 0.43 pounds per hour for each resin-coated sand production line.
9. EPA sent a request for information to Atlas pursuant to Section 114 of the Act on June 13, 2013. The request included the requirement to conduct stack testing for phenol, formaldehyde, and total volatile organic compounds (VOC) on each of its four production lines at the Merrilan Facility.
10. Atlas conducted the stack test on November 4-6, 2013. Atlas provided preliminary test results to EPA on January 31, 2014, and provided the final stack test results and report to EPA on February 13, 2014.

Violations

11. The stack test of November 6, 2013 for Tower F (P550) showed that phenol emissions were 1.01 lb/hr, in exceedance of the federally enforceable Operating Permit's 0.43 lb/hr limit.

Date

6/19/14


George T. Czerniak
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice of Violation, No. EPA-5-14-WI-05, by

Certified Mail, Return Receipt Requested, to:


Erica Grant, Operations Leader
Atlas Resin Proppants, LLC
W 10899 Cherry Road
Merrillan, Wisconsin 54754

I also certify that I sent copies of the Notice of Violation by first-class mail to:

Bill Baumann
Chief
Compliance and Enforcement Section
Bureau of Air Management
Wisconsin Department of Natural Resources
101 South Webster Street
P.O. Box 7921 (AMJ7)
Madison, Wisconsin 53707-7921

Jeff Johnson
Supervisor
West Central Region
Bureau of Air Management
Wisconsin Department of Natural Resources
1300 West Clairemont Avenue
Eau Claire, Wisconsin 54701

On the 24 day of June 2014.



Loretta Shaffer
Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 0185 9990